

City of Taylorsville  
Planning Commission Meeting  
Minutes  
Tuesday – April 12, 2005 – 7:00 P.M.  
2600 West Taylorsville Blvd – Council Chambers

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**Attendance:**

**Planning Commission**

Angelo Calacino, Chair  
Dama Barbour  
Ted Jensen  
Aimee Newton  
Kristie Overson  
Phil Hallstrom  
Blaine Smith

**Excused:** Joan Rushton-Carlson

**Community Development Staff**

Mark McGrath, Director  
Michael Maloy, City Planner  
Nick Norris, City Planner  
Dan Udall, City Planner  
Jean Gallegos, Secretary/Recorder

**PUBLIC:** Debbie O'Brien, Timothy P. Ford, Priscilla Jones, Tiffany Dunn, Anna-Marie Johnson, Bob Roberts, Kay Roberts, Art Pasker, C. White, William Schoen, Eric Brunswick, Gwen Smith, Sterling Tholen, Kim White

**WELCOME:** Commissioner Calacino welcomed those present, explained the procedures to be followed this evening and opened the meeting at 7:00 p.m.

[19:07:38](#)

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**CONSENT AGENDA**

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1. 6H05 **Timothy Ford, 1339 West Phillips Lane** – Photograph Studio Home Occupation.  
(Dan Udall, City Planner)

[19:08:35](#)

1.1 **Mr. Udall** oriented the Planning Commission in the pre-meeting by advising that this is a request for a photo studio home occupation for one to two customers to the home per day. The photo studio will be located in a bedroom. **Staff recommends approval with the following conditions:**

- 1.1.1 Receive approval from and remain compliant with all applicable reviewing agencies.
- 1.1.2 The use is subject to review upon complaint.
- 1.1.3 The only signage allowed is a three square foot sign attached to the single-family home.
- 1.1.4 That adequate parking be provided on site to accommodate the homeowner's vehicles and customer vehicles coming to the home.
- 1.1.5 Customers can come to the home only between the hours of 6:00 a.m. to 8:00 p.m.
- 1.1.6 Business must be conducted on an appointment-only basis.
- 1.1.7 The landscaping in the front yard is maintained.

- 1.2 Applicant was present. No one asked to speak to this issue.

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2. 8C05 **Debbie O'Brien, 4485 South Heatherglen Court (2310 West)** – Animal Hobby Permit.  
(Dan Udall, City Planner)
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2.1 Mr. Udall oriented the Planning Commission in the pre-meeting by advising that this is a request for an Animal Hobby Permit for three dogs. The property is located on a cul-de-sac. The applicant is requesting to have

three Labradors, one of the dogs being about six months old. The dogs are kept indoors most of the time. **Staff recommends approval with the following conditions:**

2.1.1 The use is reviewed upon complaint with all requirements of applicable reviewing agencies.

2.1.2 Conditional Use Permit is subject to review upon substantiated and unresolved complaints. Complaints which cannot be resolved by Staff or Salt Lake County Animal Services personnel may be grounds for permit revocation.

2.1.3 Property violations (if any) must be resolved prior to issuance of an animal hobby permit.

2.1.4 The applicant needs to apply to all requirements that are applicable under Chapter 8 (Animal Permit Regulations).

2.2 Applicant was present. There was no one wishing to speak to this issue.

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3. 7S05 **Mr. Art Pasker, PGA&W Architects, 6287 S. Redwood Road** – Preliminary Review of a Two-lot Commercial Subdivision. (Michael Maloy, City Planner)

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3.1 **Mr. Maloy** oriented the Planning Commission in the pre-meeting by advising that this is a request for preliminary approval for a two-lot commercial subdivision to: (1) Subdivide the property into two equal halves measuring 1.91 acres each; and (2) Develop a new 39,250 square foot professional office building on Lot 2, which is currently vacant property. **Staff recommends approval subject to the following conditions:**

3.1.1 Under the direction of the Planning Commission, Staff shall administrate review and subsequent approval of the final subdivision application.

3.1.2 Prior to final approval, applicant shall contact the Salt Lake County Recorder's office to verify record-ability of all legal documents including proposed subdivision name, easements and property addresses.

3.1.3 Applicant shall submit for City review proposed addressing for Lot 1 and Lot 2. Approved addressing shall be recorded with subdivision documents.

3.1.4 Subdivision engineering shall comply with all applicable development policies contained within the Taylorsville City Engineering Standards Manual as determined by the City Engineer.

3.1.5 Subdivision recording instrument shall comply with all applicable City ordinances contained within Title 12, Subdivisions.

3.1.6 Applicant shall provide cross-access easements for both parcels (Lot 1 and Lot 2). Easement(s) shall be reviewed by the City Engineer and shall be recorded with the subdivision plat or other approved recording instrument.

3.1.7 If required, applicant shall prepare to satisfaction of the City a shared parking agreement to be recorded with subdivision documents.

3.1.8 Applicant shall pay all required fees prior to final approval of subdivision.

3.2 Applicant was present. There was no one wishing to speak to this issue.

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4. Review/Approval of Minutes for January 25, 2005 and March 8, 2005.

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**CONSENT AGENDA MOTION:** 19:09:03

**MOTION:** **Commissioner Overson** - I move that we approve the consent agenda, including Applications 6H05, 8C05, making one minor change to 7S05 – striking the word “if required”, and approving the minutes.

**SECOND:** **Commissioner Barbour**

**VOTE:** **Commissioner Barbour** - AYE

**Commissioner Newton** - AYE

**Commissioner Jensen** - AYE

**Commissioner Overson** - AYE

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**HOME OCCUPATIONS**

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5. 9H05 **Anna-Marie Johnson, 5614 South 3570 West** – Home Occupation, Class D4.  
(Nick Norris, City Planner)

[19:10:25](#)

5.1 **Mr. Norris** oriented on the site plan, aerial map and images. The applicant is requesting a Conditional Use Permit to operate a pre-school from her home. There will be two separate sessions (one from 9:00 a.m. to 11:30 a.m. and one from 12:00 p.m. to 2:30 p.m. on Tuesdays and Thursdays). There would be up to eight children per session. **Staff is recommending approval subject to the following conditions:**

- 5.1.1 The applicant receives approval and remains complaint with all applicable reviewing agencies.
- 5.1.2 The applicant adheres to and remains compliant with Taylorsville Ordinances 13.57.050 Operational Requirements and 13.57.057 Specific Operational Requirements--Class D Home Occupation.
- 5.1.3 The outdoor play area may be used no earlier than 8:00 a.m.
- 5.1.4 The fence along the rear yard be maintained in good condition with adequate latches on all gates to prevent children from leaving the outdoor play area.
- 5.1.5 The pre-school be limited to two sessions with no more than eight children per session.
- 5.1.6 That the child drop-off area be located in the driveway and that a safe means for the children to access the dwelling be provided.
- 5.1.7 The day care not detract from the residential character of the dwelling.
- 5.1.8 Only a name plate sign, attached to the main building and no larger than three square feet be allowed.
- 5.1.9 That the conditional use permit is reviewed upon substantiated or unresolved complaint.
- 5.1.10 **[Added by Motion] That proposed days involved with this application are Tuesday, Wednesday and Thursday, with two sessions, one from 9:00 a.m. to 11:30 a.m. and a second from noon to 2:30 p.m. on those days**

5.2 **DISCUSSION:** [19:11:49](#) **Commissioner Overson** asked for clarification on the days of the week allowed for this application. The Staff Report said Tuesday and Thursday and the application reflects Tuesday through Thursday. The error was in the Staff Report and the change will be reflected in the motion. She also asked that the times involved be added to Staff's conditions and clarified in the motion. **Commissioner Jensen** asked for clarification of the address, asking if it was 5620 or 5585. **Mr. Norris** advised that the property is located on the corner of 5620 South 3580 West. [19:13:08](#)

5.2 **APPLICANT ADDRESS:** **Anna Marie Johnson** was present but did not wish to speak unless there were questions.

5.3. **SPEAKING:** None.

5.4 **CLOSURE OF PUBLIC HEARING AND DISCUSSION OR A MOTION.**

5.5 **MOTION:** [19:13:35](#) **Commissioner Hallstrom** - I would move for approval of this application subject to Staff's recommendations.  
**SECOND:** **Commissioner Newton**  
**DISCUSSION:** **Commissioner Jensen** - Do we need to put the days of use? **Commissioner Calacino** - Just clarify that the days proposed days involved with this application are Tuesday, Wednesday and Thursday, with two sessions, one from 9:00 a.m. to 11:30 a.m. and a second from noon to 2:30 p.m. on those days. [19:14:04](#) **Commissioner Hallstrom** was agreeable to this change.



[19:19:40](#)

7.1 Mr. Udall oriented on the site plan, aerial map and images. The applicant is proposing a family child day care for up to 12 children per day. Two children presently living in the home will be attending the day care. Proposed hours of operation are from 6:30 a.m. to 5:30 p.m., Monday through Friday. There is a chain link perimeter fence that surrounds the rear yard. Applicant advised that her brother will be helping her with this home occupation and will come to her home on a bicycle, so there will be no impact on available parking. **Staff recommends approval with the following conditions:**

7.1.1 Receive approval from and remain compliant with all applicable reviewing agencies.

7.1.2 That a maximum of 12 children can attend the family day care home occupation each day. The designated number of children includes the caregiver's own children age six or younger who are not yet in full day school.

7.1.3 The home occupation is subject to review upon complaint.

7.1.4 The outdoor play area shall consist of a minimum of 40 square feet in area per child. That the hours of operation for the outdoor play area shall not exceed 8:00 a.m. to 8:00 p.m.

7.1.5 The outdoor play area shall be secured by an appropriate, well-maintained fence not less than four feet in height. The Planning Commission may require a fence that exceeds four feet in height as it determines necessary. This fenced in area includes the usable rear yard for the home.

7.1.6 The dwelling unit should provide an indoor play area at a minimum of 35 square feet in area per child.

7.1.7 A minimum of two parking spaces shall be provided for clients, customers or patrons in addition to required residential parking. That one parking spot should be provided for an additional employee.

7.1.8 A maximum of one name plate sign is allowed to be attached to the single-family home. The sign is allowed to be three square feet.

7.1.9 The home occupation is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character of the dwelling or property for residential purposes.

7.1.10 The landscaped areas in the front yard and the dwelling unit shall be well maintained.

7.1.11 That an additional employee as required by the Utah State Health Department attends the home occupation.

7.2 **APPLICANT ADDRESS:** Mr. Udall advised that he had contacted Mrs. Barney and she said she would come to this meeting, however, was not present.

7.3. **SPEAKING:** None.

7.4 **DISCUSSION** [19:22:07](#) **Commissioner Hallstrom** asked Staff if there had been any past experience by this applicant and **Mr. Udall** advised he did not know the answer to that. **Commissioner Hallstrom** expressed concern that this use may be too intense for this location inasmuch as traffic is already a problem there and felt it may be worthwhile to determine past history for this applicant. He said his concern was mainly that the location of the property is way back inside the subdivision. [19:23:26](#) **Commissioner Smith** was concerned about the age of the brother who was going to assist her.

#### 7.5 **CLOSURE OF PUBLIC HEARING AND DISCUSSION OR A MOTION.**

7.6 **DISCUSSION:** [19:23:36](#) **Commissioner Calacino** suggested that due to the lack of sufficient information, perhaps this should be continued to the next meeting. [19:25:25](#) **Commissioner Hallstrom** suggested limiting the applicant to eight children and once she establishes a successful history, the amount of children allowed could be increased. [19:26:12](#) **Commissioner Barbour** was in favor of continuing this application to the next meeting in order to hear from the applicant.

7.7 **MOTION:** [19:26:27](#) **Commissioner Barbour** - I move that this application be tabled until the next meeting on April 22, 2005, which is a work session, so that the applicant can be present.

**SECOND:** Commissioner Hallstrom.  
**VOTE:** Commissioner Barbour - AYE Commissioner Jensen - AYE  
Commissioner Newton - AYE Commissioner Overson - AYE  
Commissioner Hallstrom - AYE Commissioner Smith - AYE

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**ZONING AMENDMENTS**

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8. 3Z05 **Mr. Art Pasker, PGA&W Architects** – Zoning Text Amendment 13.24.130 – Lighting - MD-1 and MD-3 Mixed Development Zones to Increase Height of Light Poles to 25 Feet.  
 (Michael Maloy, City Planner)
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[19:28:38](#)

8.1 **Mr. Maloy** briefed on the content of Paragraph 13.24.130-Lighting. The applicant wants to increase the maximum height of parking lot light poles in the MD-1 and MD-3 Mixed Development zones from 18 feet to 25 feet. The current Taylorsville City Code limits the permitted height of light poles in those zones to 18 feet. Staff recommends the first sentence of that paragraph be amended to read. “The maximum height of luminaries shall be eighteen feet (18’) for buildings with one story and twenty-five feet (25’) for buildings with two or more stories above grade, unless the planning commission requires a lower height as part of the conditional use approval”.

8.2 **APPLICANT ADDRESS: Mr. Art Pasker** was present and advised that the revision to the ordinance was necessary to keep the scale comparable to the building height. **Commissioner Calacino** asked Mr. Pasker hypothetically if the zone change is approved and the wording goes forward as presented, what would happen if the Planning Commission decides they want 18’ tall lights. **Mr. Pasker** did not feel that would happen because the 25’ high lights are appropriate for this site mainly because that is what exists on both buildings to the north. With that height of pole, the light spread is adequate to give a one foot candle in the middle of a parking driveway. If lowered to 18’ without a high intensity lamp, then there are dark spots in the middle of the driveway, which is unsafe for pedestrian traffic.

8.3. **SPEAKING:** None.

8.4 **DISCUSSION:** [19:34:54](#) **Commissioner Jensen** asked is there were a limit as to how close a 25’ high light pole can be placed to a residential area. [19:35:09](#) **Commissioner Calacino** advised that is not addressed in an ordinance but would be something for decision during the site plan review of the conditional use permit. **Commissioner Jensen** commented that he could see a legitimate reason for the higher poles towards Redwood Road but not in the back next to the residential area. [19:35:39](#) **Commissioner Hallstrom** said this has occurred frequently and the solution is to apply a screen to limit the light to restrict it. **Mr. Pasker** advised that they plan to install a shield that would deflect the light away from the residential area. **Commissioner Barbour** asked if the neighbors had been noticed about this hearing and **Mr. Maloy** advised there was no requirement to do so on a text amendment. Her concern was mainly the lighting issue and [19:37:19](#) **Mr. Maloy** advised that he felt that issue had been resolved with the applicant. [19:37:55](#) **Commissioner Overson** asked if the Commission makes recommendation for approval to the City Council, would that change requirements for lighting currently anywhere in the MD zone? By recommending approval on this, then does that make the current lighting on “Building A” appropriate within the guidelines? **Mr. Maloy** advised that it would. **Commissioner Calacino** felt it would be more appropriate to rezone the property to Office Professional where there is more flexibility in the height of the lighting. [19:39:23](#) He felt the MD-1 and MD-3 zones are intended for a mixture of uses to be more pedestrian oriented in scale and that is why the height of the lights were lower.

8.5 **CLOSURE OF PUBLIC HEARING AND DISCUSSION OR A MOTION.** **Commissioner Barbour** stated that Commissioner Calacino’s suggestion was not what was in front of the Commission tonight. **Commissioner Calacino** advised that was correct but if he were to make a motion it would be to recommend denial based on that position.

- 8 6 **MOTION:** [19:40:45](#) **Commissioner Newton** – I move that we recommend approval on File 3Z05 with Staff’s recommendations.

**SECOND:** Commissioner Barbour  
**VOTE:** Commissioner Barbour - AYE Commissioner Jensen - AYE  
Commissioner Newton - AYE Commissioner Overson - NAY  
Commissioner Hallstrom - AYE Commissioner Smith - AYE  
 Motion passes 5 to 1.

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9. 1Z05 **D.R. Horton (Bill Peperoni), 4242 South 2200 West** – Zone Change from A-1 to R-M.  
 (Dan Udall, City Planner)

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(Note: Mr. Udall asked permission to do his presentation for Agenda Items #9 and #10 at the same time, and was given approval by the Chairman to do so).

[19:41:46](#)

9.1 **Mr. Udall** advised that the applicant is proposing a zone change from A-1 to R-M in order to accommodate a condominium project at 4242 S. 2200 W. In March 2005, the City Council approved a General Plan amendment for an 18-unit complex from "medium density residential" to "high density residential". The applicant is now proposing to rezone a portion of the property (two lots) they acquired, to R-M so they can proceed with the conditional use. The southern parcel, which is part of the condominium project, is currently zoned R-M. **Staff recommends approval of the zone change subject to the following findings:**

9.1.1 That the R-M zone is compatible with the existing high density residential general plan designation.

9.1.2 That the R-M zoning proposal is adjacent to the R-M zone to the south.

9.2 **APPLICANT ADDRESS:** Bill Pepperoni was present and available for questions.

9.3. **SPEAKING:** None regarding the zone change.

9.4 **CLOSURE OF PUBLIC HEARING AND DISCUSSION OR A MOTION.**

9.6 **MOTION: 19:47:52 Commissioner Hallstrom - I think the zoning application is consistent with the surrounding areas and consistent with the General Plan and will provide for cleaning up the remainder of this area and finishing this project, therefore, I recommend approval.**

**SECOND:** [Commissioner Overson](#)

**VOTE:** [Commissioner Hallstrom - AYE](#) [Commissioner Overson - AYE](#)  
[Commissioner Newton - AYE](#) [Commissioner Smith - AYE](#)  
[Commissioner Barbour - AYE](#) [Commissioner Jensen - AYE](#)

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### **CONDITIONAL USES**

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10. 10C05 **D.R. Hortin, Inc. (Bill Peperone), 4246 S. 2200 W.** - 18 Unit Residential Condominium Project. (Dan Udall, City Planner)

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[19:46:54](#)

10.1 **Mr. Udall** oriented on the site plan, aerial map and images. The applicant is proposing an 18 unit residential condominium project. Each building contains three units. The applicant recently received a general plan amendment approval from "medium density residential" to "high density residential". The applicant has also submitted a zoning amendment application for the north section of the site from A-1 to R-M. Staff has allowed the applicant to submit the zoning amendment application and the preliminary conditional use application simultaneously to the Planning Commission tonight.

10.1.1 **Staff recommends approval of the preliminary conditional use application with the following findings:**

10.1.1.1 The proposed project with conditions meets the current general plan.

10.1.1.2 The proposed project with conditions meets the zoning ordinance and the zoning map contingent upon the R-M zone approval by the City.

10.1.2 **Staff recommends approval of the preliminary conditional use application with the following conditions:**

10.1.2.1 Receive approval from and remain compliant with all applicable reviewing agencies.

10.1.2.2 The site lighting is designed to be oriented from shining upon any adjacent residences. That lighting is provided by a porch light or a small post light in the front of each yard.



10.1.2.3 **[Deleted by Motion]** Each property owner should store their garbage can in the garage when not in use.

10.1.2.4 That lighting, walls, colors, building materials, etc., match r compliment the overall design of the project.

10.1.2.5 That the site receives storm drain approval from City Engineering and that any storm drain fees are submitted to the City. That the City Engineer should determine if any lighting is required for the private road.

10.1.2.6 That any signage must comply with City sign ordinances.

10.1.2.7 **[Changed by Motion]** That Staff **That the Planning Commission approves** the final conditional use permit contingent upon approval of the proposed zone change from A-1 to R-M.

10.1.2.8 The Planning Commission reviews the material board.

10.1.2.9 The PUD Homeowner Association maintains the site.

10.1.2.10 That an updated planting plan be provided to Staff delineating planting locations and species.

10.1.2.11 **[Changed by Motion]** Additional trees be planted along the southern perimeter of the site. Those deciduous trees be planted along the private road. ~~where there is enough space.~~ That shrubs **and trees** are planted along the landscape strips between each driveway. That a landscape gateway is provided with flowers, shrubs and trees on both sides of the private road adjacent to 2200 West. That a mixture of deciduous and conifer trees are planted along the landscape frontage along 2200 West. That all conifer trees are a minimum height of 6'. That all deciduous trees are a minimum of 2 inches in caliper.

10.1.2.12 Consolidate the open space on the southwest side of the site and if possible widen the basketball court. Buildings B and C should be moved to the east.

10.1.2.13 **[Changed by Motion]** **That the private road connects to the Watchwood Condominiums to the west. That the emergency gate is removed. The applicant and Watchwood are instructed to resolve the issue as to whether or not there is a gate, and determine type and conditions of the gate in accordance with the requirements set forth by the Fire Department and present a written resolution of that issue back to the City Planners. Also that there be a means provided for pedestrian access through there, if in fact there is a gate.**

10.1.2.14 That no parking stalls are allowed in the 25' frontage along 2200 West.

10.1.2.15 That no parking is allowed along the private road.

10.1.2.16 **[Added by Motion]** **That the perimeter fence consist of cedar on the north, south and west sides and with the decorative iron and rock pillars along 2200 West** [20:13:49](#)

10.2 **APPLICANT ADDRESS:** **Bill Peperone** was present [19:51:34](#) and provided the following information:

- The applicant will add the landscaping Staff recommends.
- In regard to the gate, this was brought up by the engineer in the preliminary meeting for this plan who suggested there actually be an opening provided for pedestrians. The previous plan did not have a sidewalk going all the way to the property line, so based on Staff's suggestion, the sidewalk will be brought all the way to the property line and there would be a gated opening created for pedestrian access.
- For information, the City Council actually made two motions – one was to amend the General Plan and the second one was for D.R. Horton to actually meet with the surrounding home owners association and work out a type of deeded agreement that would run with the land, which stated that would never be an open access. Those discussions have not started yet although there have been many meetings on other subjects



with the home owner's association. [19:53:05](#). D.R. Horton will comply with the City Council direction in this matter.

- Regarding the open space, the site can be rearranged to accommodate Staff's request. The reason why it was separated in the first place was to create two banks of parking rather than one; however, the number of parking spaces can be reduced because there are four parking spaces per unit as it is now proposed.
- The fencing out front is proposed to be graffiti resistant and is supposed to look like wrought iron but is not and is intended to be open to better show the project.
- **Commissioner Barbour** commented that she liked the picture of the building but noted that often when the buildings are actually built, they are significantly different. [19:54:38](#) **Mr. Peperone** told her that there would be a small difference in that the structures on this site will be three-plexes, so the number of garages will be different from the renderings shown tonight. Otherwise, the architectural detail will be the same.
- **Commissioner Hallstrom** [19:55:19](#) said that there seems to be an impasse on the gate issue with the surrounding neighbors because they want it gated and Staff has forwarded a recommendation not to gate it. He suggested that the applicant meet with the Watchwood community and come up with a written resolution, with both parties signing it. [19:56:21](#). **Mr. Peperone** felt that was fair and would comply. [19:57:03](#) **Commissioner Hallstrom** advised that in any event, there needs to be a pedestrian door installed.
- **Commissioner Smith** [19:57:12](#) suggested posting signs which say "No Through Traffic" and open it up to alleviate problems for emergency vehicles.
- **Commissioner Barbour** [19:58:02](#) advised that she understood that this is a private lane on both sides and agreement must be worked out between the applicant and Watchwood Condominiums but felt there was an exorbitant amount of concrete within the project and would like that broken up and more trees added. **Mr. Peperone** agreed to see what their options are with that regard. [19:58:56](#)

10.3. **SPEAKING:** [20:00:57](#) **Commissioner Calacino** advised that the Commission received nine letters from residents in Watchwood, which basically say if there is a gate installed, that it only be used for emergency vehicles access and that only they have access keys thereto. The letters were signed by the following residents: Priscilla Jones, Brenda Logier, Oliver G. and Karen Fullmer, Sandi Hooker, Diana Howard, Jason and Justina Kirby, Heather Lyman, Patricia Papcum and Scott M. Ryan.

10.3.1 [20:01:51](#) **Priscilla Jones** felt the idea of a pedestrian gate was never given much thought but still expressed concern about public access through there in general. [20:02:32](#) **Commissioner Newton** advised her that the reason for the pedestrian access is that there is a crosswalk for little children right across the street. **Mrs. Jones** commented that years ago there was a path behind the fence used as a walkway for children. The reason why it stopped being used is because the project that was there made it unsafe for the children to go that way. Her main objection to the gate was theft.

10.3.2 [20:03:57](#) **Dorothy Harris** (Chairman of the Watchwood Committee) saw no problem with putting the gate in and having an open walkway for pedestrian traffic. She saw no point in children having to walk the longer distance to get to and from school everyday. On the gate itself, the Watchwood meeting was to be held on April 13<sup>th</sup> and she wanted to know if they needed a majority of the committee or the residents to approve this issue. [20:04:47](#) **Commissioner Calacino** advised that issue is between two private entities. From the City's point of view, there is one opinion that it should be open to allow cross access in both directions but Watchwood's opinion is to have a gate there. If there is a gate, then the Fire Department is going to want a lock and key for access. **Commissioner Calacino** suggested that Mr. Peperone be invited to attend the Watchwood Committee meeting.

#### 10.4 **CLOSURE OF PUBLIC HEARING AND DISCUSSION OR A MOTION.**

- 10.5 **MOTION:** [20:06:30](#) **Commissioner Hallstrom** - I would like to make a motion on Application #13C05, Agenda Item #10, to approve the preliminary conditional use application subject to Staff's recommendations that have been enumerated and adding to those that the applicant and Watchwood are instructed to resolve the issue as to whether or not there is a gate, and type and conditions of the gate in accordance with the conditions required by the Fire Chief as well and present a written resolution of that issue back to the City Planners so that may be part of the final approval of this application. Also that there be a means provided for pedestrian access through there, if in fact there is a gate.
- SECOND:** [Commissioner Newton](#)

#### **DISCUSSION:**

- **20:07:25 Commissioner Newton** suggested changing Item #3, about the garbage, which says each property owner should store their garbage can in the garage when not in use. We may want to change that to say, "At all times except garbage day or to be determined by the home owner's association covenants". That was brought up in the pre-meeting. Also, on #13, she wanted to delete the sentence that says that the emergency gate is removed. **Commissioner Hallstrom** agreed those were valid comments, however, on the issue of the garbage, that be required to be part of the protective covenants in that the homeowner's association covenants and be handled so that it is out of sight. He was agreeable to deleting the sentence in Item #13 reference the emergency gate.
- **20:08:13 Commissioner Barbour** said that she would like to see this brought back to the Planning Commission for final and see what they have done with the landscaping and see how this is all going to work and make sure they work things out with the surrounding property owners. **Commissioner Hallstrom** was agreeable to amending Item #7 to make the Planning Commission final approval for this conditional use permit.
- **20:08:51 Commissioner Overson** said that she didn't see anything in the conditions about the perimeter cedar fence and felt it should be one of the conditions that there is a solid cedar wood fence along the perimeter of the site and the decorative fencing along 2200 West. Also, on #11 she asked if the part of the sentence that reads, "that deciduous trees be planted along the private road where there is enough space." She asked that "where there is enough space" be deleted. The next sentence reads that "shrubs are planted" and wanted "and trees" added to that. She offered a general comment about visitor parking and wanted to be sure it was noted that the applicant has stated they don't need that many visitor stalls and she wanted to see that the first two stalls at the entrance of this community be eliminated and perhaps instead of "four parking stalls" together, that there only be three.
- **20:11:13 Commissioner Barbour** asked Staff if it would be possible to have all of the recommendations on the plan when it comes back to the Commission for approval. **Mr. Udall** said that would happen.
- **Commissioner Hallstrom** was agreeable with all the amendments.

**20:12:48 Commissioner Calacino** summarized the motion as being to grant preliminary approval for Application 10C05 for an 18 unit condominium project, based on the findings and recommendations outlined in Staff report, with the following modifications: That Condition #3 be deleted (issue of garbage cans should be resolved by the home owner's association), #7 read that the Planning Commission will grant final approval, #11 that the wording be deleted "where there is enough space", and just guarantee that there is space to plant the trees and add the wording that there be "trees and shrubs" on both sides. Number 13 is superseded by the motion directing D.R. Horton and the Watchwood Condominiums get together and resolve the issue of the gate – whether it is a gate with key, gate with key and pedestrian access, no gate, etc., to be brought back in written form to Staff for inclusion in the final plan. Also that the perimeter fence be put in as cedar on the north, south and west sides, and a decorative iron fence with rock pillars along 2200 West **20:13:49**

<b><u>VOTE:</u></b>	<b><u>Commissioner Hallstrom – AYE</u></b>	<b><u>Commissioner Overson – AYE</u></b>
	<b><u>Commissioner Newton – AYE</u></b>	<b><u>Commissioner Smith – AYE</u></b>
	<b><u>Commissioner Barbour – AYE</u></b>	<b><u>Commissioner Jensen – AYE</u></b>

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11. 13C05 **Mr. Art Pasker, PGA&W Architects, 6289 S. Redwood Road** - Preliminary Review of a Conditional Use Permit Application to Construct an Office Building.  
(Michael Maloy, City Planner)

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#### **20:14:12**

11.1 **Mr. Maloy** oriented on the site plan, aerial map and images. The applicant has submitted an application for preliminary approval of a conditional use permit to construct a 39,250 square foot professional office building on 1.91 acres of vacant property within an

MD-3 Mixed Development zone. [20:18:02](#). Staff feels this is a good land use for this area of the City, however, has some issues with the applicant on architectural design and building placement (Staff would like to see the building reoriented closer to the street).

11.1.1 **Staff Recommendation:** If the Planning Commission requires Building B to shift towards Redwood Road, as was discussed by the Commissioners and Staff with the applicant during the planning of Phase I, Staff recommends that the application be tabled until modified to comply with the Commission's directions. **If the Planning Commission generally approves of the proposed preliminary site plan, Staff recommends preliminary approval with the following conditions:**

**General Conditions:**

11.1.1.1. Receive approval from and remain compliant with all applicable agencies and departments of the City (i.e., City Engineer, Unified Fire Authority, etc.).

11.1.1.2 **[Changed by Motion]** Planning **Commission** Planning Staff shall review the final conditional use permit application. Any unresolved issues between Staff and the applicant may be determined by the Commission in a public meeting.

**Site Plan Elements.**

11.1.1.3 Applicant shall submit for City approval a final landscape plan. Landscape plan shall contain plant species, quantities and sizes. Applicant is encouraged to select a mixture of plants and trees to create variety and seasonal colors within plant beds. Additionally, the final landscape plan shall:

- Comply with all requirements of the MD-3 Zone;
- Include additional landscape buffer trees (where needed) for screening along property line;
- Contain construction details for irrigation system. Applicant is encouraged to design a system that controls and conserves the use of water;
- Provide adequate screening for all ground based and wall mounted utilities; and
- Trees shall have a minimum caliper size of 2 inches.

11.1.1.4 For final review, applicant shall submit site plan with accessible sidewalks from Redwood Road to Building B and from Building B to Building A. Also, an accessible sidewalk must be added along the south side of Building B.

11.1.1.5 Pedestrian intersections with driveways and aisles shall be compatible with ANSI standards for ramp construction.

11.1.1.6 Amend design of "double round-about" to a single landscape bed and relocate flag pole into the center of the plant bed.

11.1.1.7 Applicant shall submit for final approval a site lighting plan. Lighting plan shall include cut sheet specifications on all exterior lighting elements and accommodate pedestrian elements as well as vehicle parking. Cement light bases should be minimally exposed when located within landscaped areas.

11.1.1.8 Trash dumpster shall be constructed of materials compatible with office building and use an opaque swinging gate (i.e., not chain-link fencing with slats). For final approval include product specification sheet or construction sheet for dumpster gate detail.

11.1.1.9 Applicant must provide a document to the City identifying the location of all required cross-access easements and a shared parking agreement. Upon approval by the City, the applicant shall record said document and provide proof of recordation.

11.1.1.10 Submit specifications on site furnishings plan. Outdoor furniture (i.e., benches, waste receptacles, bike racks, etc.) shall be compatible in design with building architecture. Provide location details on site plan and/or landscape plan locations for all outdoor furnishings.

**Building Architecture**

11.1.1.11 Preliminary color and material palette are subject to Planning Commission approval. Variations from this approval shall require a CUP amendment from the City prior to installation.

11.1.1.12 Building mounted lighting shall use downward cast lighting (i.e., no outward shining wall packs). The use of lighting that illuminates or accents building architecture is encouraged.

11.2 **DISCUSSION: Commissioner Overson** commented that as she was looking at the overall project today, she noticed on the southwest boundary of the property there is no block wall in place. She remembered that the wall was an important issue with the neighbors and it is everywhere except for the southern boundary up towards the street, ending before reaching Redwood Road and wondered why that happened.

11.2 **APPLICANT ADDRESS: Art Pasker.** Reference the block wall, the owner of that particular property is a general contractor. [20:24:26](#) He did not want the wall put in there at the expense of removing all his landscaping. It was his option not to have the block wall. The existing block wall is 8' tall and not 6'.

- **Commissioner Newton** said that with the first building there was an issue with the tree grates and lighting. At that time, the Commission discussed having this building moved up to Redwood Road and asked his opinion on that. **Mr. Pasker** [20:25:24](#) said that would not work for several reasons. (1) This design is compatible with this kind of use in this plaza. It is not appropriate to have the people all park in the back of the building and walk to the front. (2) Parking is placed around buildings to make them accessible for clients. (3) There are no other buildings along that stretch of Redwood Road that have the parking in the back. [20:26:33](#) (4) Owners of the project to the north, do not want a building in front of them.
- [20:27:19](#) **Commissioner Newton** asked if there were a back entrance to the existing building and **Mr. Pasker** advised that there was an employee entrance on the north side and on this building, all the employees in the new building will access through the east side and patrons from the northwest.
- [20:27:27](#) **Commissioner Jensen** asked if the new building would be high density office or smaller office suites and what kind of parking would be required. [20:27:52](#) **Mr. Pasker** advised that it probably would be medical offices and one doctor has expressed interest in taking over the entire building, therefore, parking calculations cannot be determined at this point.
- [20:28:33](#) **Commissioner Barbour** [20:28:54](#) said that the parking requirements must be calculated at the time the building is built [20:30:09](#) **Commissioner Newton** advised that even with a cross easement agreement between these two building, the parking calculations are still short. [20:30:24](#) **Mr. Maloy** said that when Mr. Pasker first came to the City representing the development, there was no tenant in place, therefore, it was designed to accommodate office parking. If Building A remains strictly dental offices as it is now and Building B is strictly office, then it is short by six stalls. If both buildings are ever just office use, it is short by 20 stalls. [20:31:12](#) **Commissioner Barbour** asked how the City could know 10 or 20 years from now that is what is going to be. [20:31:33](#) **Mr. Maloy** said that is an unknown factor and clearly the developer is taking a risk which could be a problem in the future in limiting which tenants can be located there. **Mr. Pasker** added that the existing building, which is owned by six dentists, uses 40% of their available parking.
- [20:32:08](#) **Commissioner Newton** [20:32:27](#) asked if there would be a road between the two buildings or just a sidewalk to which **Mr. Pasker** replied that it was just a sidewalk. [20:32:46](#) **Commissioner Newton** asked if there being two roundabouts would not create some confusion because of being drop off areas. **Mr. Pasker** said that all cars would go to the right and the traffic would flow nicely around both roundabouts. If there were only one roundabout, it would block the entrance into the second building.
- [20:33:40](#) **Commissioner Calacino** was concerned about the comment made by the applicant to try and have parking located around the building to make it as convenient and accessible as possible. [20:34:29](#) He asked if the design being presented allowed any way for the parking to be modified on the south end to put it up against the building so the customers do not have to cross the drive aisle. Reference parking ratios, this is a conditional use and the Planning Commission could grant approval, however, attach conditions to allow only medical/dental offices for ten doctors. Then there would be no parking problem. However, that would limit the use of the building in the future. If both sites were made compatible and meet the minimum parking requirements, then the issue of future use is not a concern. He wanted to know if the building could be downsized somewhat, then the overall project would accommodate the required parking and they each could stand on their own. **Mr. Pasker** was opposed to that suggestion saying that taking 10' off the building would create a big problem. He said there is no more parking required for a professional office than a medical one. The clients would come

and go and not park their vehicles in one spot for the whole day. He felt the gamble the developer would be taking would be worthwhile [20:37:04](#)

- [20:37:30](#) **Commissioner Jensen** asked if there would be a bus shelter out front and **Mr. Pasker** advised there would not be. That they had tried but were unsuccessful in getting a turn out lane on Redwood Road.
- [20:38:05](#) **Commissioner Newton** said the ordinance had been changed relative to light pole height but it has not yet gone before the City Council. She asked if that meant that the Commission cannot change that in the recommendations made this evening. Technically the 18' height meets our present ordinance. [20:38:39](#) **Mr. Maloy** advised that was true.

11.3. **SPEAKING:** None.

11.4 **DISCUSSION:**

- [20:38:53](#) **Commissioner Hallstrom** commented that he finds the building to be very attractive and was pleased with the proportion of the building and with the aesthetic appearance and how well it fits in with the surrounding neighborhood and what it does for the building to the north. He did not support the suggestion to move the building around and felt this site will work well with this new structure as presented.
- [20:40:13](#) **Commissioner Newton** still expressed concern about the roundabouts and felt strongly that it would be a confusing circulation issue. [20:41:21](#) **Mr. Maloy** said that the preliminary response from the City Engineer consultant was that the circulation pattern proposed by the applicant would not be approved. Staff is not supportive of the double round-about design and would rather have a single landscape bed with the flag pole relocated into the center of it.
- [20:41:28](#) **Commissioner Overson** stated that If the Commission grants preliminary approval, it does not necessarily mean there will be the two roundabouts or planted islands [20:42:00](#) **Mr. Maloy** affirmed that was true. The Staff condition right now is that this would be combined and that would be reviewed with the applicant as well as with the City Engineer. Staff conditions also reflect that Staff will do the final review because the applicant is on a very tight time line for completion. [20:42:37](#) **Commissioner Overson** said that while she is disappointed with the building not being pushed towards the street and oriented that way, she felt this is a good project and the building and landscaping in there now is very nice and greatly enhances Redwood Road.
- [20:43:31](#) **Commissioner Jensen** advised that he lives in this area and has noticed that all the other buildings along there are in alignment and that if this building were moved closer to the street it would be an exception. He likes the plan and felt if there were anyway to put additional parking in there such as handicap parking in the round about area, it would meet code. He also felt that some emphasis on bus access along Redwood Road would be appropriate.
- [20:44:31](#) **Commissioner Calacino** expressed apprehension about the inadequacy of the parking being 39 to 40 stalls short for both buildings, if used for office. The overall design, having it back from the street does have one benefit, that being that if the properties to the south ever develop, having the building back and having the parking in place, it would allow cross access easement agreements. [20:45:28](#) That could eliminate the curb cuts off Redwood Road. As for the roundabouts out front, he saw the logic of having the middle open to allow easier circulation and wanted to see the City Engineer's comments on that. For that reason, he would like this to come back to the Commission for final approval. He had the feeling that the applicant is very resistant towards the City and what the staff is recommending on this site. If the issues can be worked out to staff's satisfaction, then in his view, it would not have to come back to the Commission.

11.5 **CLOSURE OF PUBLIC HEARING AND DISCUSSION OR A MOTION.**

11.6 **MOTION** [20:46:42](#) **Commissioner Hallstrom** - I will make a motion to approve this application for this particular building as we have discussed, leaving the building as it has

been submitted by the applicant in the center of the property, similar and complimentary to the building that is already built there now. That we would bring this back for final approval to the Planning Commission, regardless of whether there is conflict. I would like to see all the issues resolved. Other than that, I think I am wasting time to try and enumerate issues. They just need to come to resolution on issues that they see as being issues and get on with it. I think we need to be supportive. I think for us to go against what we can see for ourselves is now a winner, would be a mistake

**SECOND:** Commissioner Barbour.

**DISCUSSION:** Commissioner Newton - I have a question on the conditions. I don't see anything that addresses the shortage of parking. Commissioner Hallstrom advised that is by ordinance.

**VOTE:** Commissioner Hallstrom – AYE  
Commissioner Newton – AYE  
Commissioner Barbour – AYE

Commissioner Overson – AYE  
Commissioner Smith – AYE  
Commissioner Jensen - AYE

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12. 12C05 **Eric Brunswick, 5042 S. Valois Drive (2250 W.)** - Animal Hobby Permit. (Michael Maloy, City Planner)

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20:48:46

12.1 **Mr. Maloy** oriented on the site plan, aerial map and images. Applicant has requested approval to license a total of three dogs in an R-1-8 Single-Family Residential Zone on a corner parcel containing 12,958 square feet of property. This application was submitted in response to a complaint of "too many animals" in the household which was investigated by Salt Lake County Animal Services. **Staff recommends denial of this application based on the following findings of fact:**

- 12.1.1 Request is temporary in nature and not intended as a permanent permit.
- 12.1.2 Subject property has record of multiple complaints including barking nuisance and animal at large.
- 12.1.3 Testimony received from adjacent neighbors during public scoping process was mostly negative.

12.2 **APPLICANT ADDRESS:** 20:52:57 Mr. Eric Brunswick said that he has lived at this home for 1 ½ years and has gone to great lengths to come into compliance. One of their dogs had to be put to sleep for attacking the dog next door, even though it was self defense. The problem of the RV parking was just temporary. The extra dog belongs to his step daughter who is living with them temporarily. He also advised that there is always someone home during the day. Commissioner Calacino reviewed the complaints that had been filed with Salt Lake County Animal Services since Mr. Brunswick has lived at this address, which consisted of two "barking dog nuisance" and one "Unlicensed dog" complaints. Commissioner Jensen asked about the time line for the step daughter to move out and 20:52:57 Mr. Brunswick thought it would be "soon", but probably would be longer than 30 days

12.3. **SPEAKING:**

12.3.1 **Bill Shalum, 2296 Whitaker Drive.** 20:58:28 Mr. Shalum advised that he had spoken to Mr. Brunswick about the 3:00 a.m. barking dog problem. Mr. Shalum was distressed at the constant barking problem, which precludes him from enjoying his back yard and patio. He says there is no control exercised over Mr. Brunswick's animals and was against granting approval of this application.

12.3.2 **Bill Evans** 21:00:18 Mr. Evans has lived in the neighborhood for 20 years and that this particular residence has always had barking dogs. The dogs are left in the yard all the time and he was not supportive of adding another dog.

12.3.3 **Bill Pearson** 21:02:23 Mr. Pearson said he does not live directly by this property. However, every time they walk past this particular home, the dogs hit the fence and are definitely dogs who just are let run. There is no effort to control the dogs or teach them to react to a command not to bark.

12.3.4 **Gwen Smith** 21:04:26 Mrs. Smith spoke against allowing anymore dogs in the neighborhood. She commented that along with the noisy dogs, this property is very poorly maintained and an eyesore to the neighborhood.



12.3.5 **Lewis Bjork (Written Comments)**. "I will be out of town on the date of the public hearing. I would like to respectfully request that you deny the animal hobby permit. This is a home where the dogs have been a source of complaint for many neighbors. They frighten children and make a lot of noise."

12.4 **CLOSURE OF PUBLIC HEARING AND DISCUSSION OR A MOTION.** **20:51:59 Commissioner Jensen** asked what type of fencing was around the yard and **Mr. Maloy** answered that it was 6' high chain link fencing. **21:06:08 Commissioner Hallstrom** commented that an animal hobby permit is a privilege and must be earned. He continued that with this many neighbors offering negative comments, he would not be able to support this use. **21:07:25 Commissioner Barbour** commented that there appears to be enough dogs in the neighborhood with just the two that are left. That the Commission must protect the community and guarantee their peace and right to walk down a sidewalk without fear. **21:08:10 Commissioner Overson** commended the neighbors for coming tonight and speaking, adding that Animal hobby permits are a privilege and obviously is not appropriate here. **21:08:39 Commissioner Smith** felt that the dogs can't be considered as bad but the owner seems to be neglectful of them, so a problem is evident. **21:09:54 Commissioner Jensen** also felt that having more than two animals is a privilege rather than a right and must fit in with the neighborhood without detracting. All permits are reviewable upon complaint and if there are others in the neighborhood in violation, the City will review and take appropriate action. He expressed concern that past history was a factor in this instance.

12.6 **MOTION 21:11:14. Commissioner Overson - I move that we deny Application 12C05 based on Staff's report, testimony that we have heard this evening and written comments that have been submitted.**

**SECOND:**

**Commissioner Barbour**

**VOTE:**

**Commissioner Hallstrom – AYE**

**Commissioner Overson – AYE**

**Commissioner Newton – AYE**

**Commissioner Smith – AYE**

**Commissioner Barbour – AYE**

**Commissioner Jensen – AYE**

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13. 34C98A **City of Taylorsville (John Inch Morgan), 5317 S. 2700 W.** - Conditional Use Amendment – Addition of Tuff Shed at the Fire Station. (Mark McGrath, Community Development Director)

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13.1 **21:15:45 Mr. McGrath** advised that recently the Taylorsville Police Department accepted the donation of a 10' x 16' accessory storage building from Tuff Shed Company. The City chose to install the donated structure at the United Fire Authority Station #18, located west of Taylorsville City Hall, for easy access by the City's police force. Unfortunately the accessory structure was installed prior to contacting the Community Development Department for building permit and site plan approval and was placed contrary to Taylorsville City Code. Specifically, Taylorsville code states that design and site plan approval is required for all development within the MD-3 zone by the Planning Commission and any structure in a commercial zone over 120 square feet must receive a building permit. The accessory building is 160 square feet and has been installed on a concrete pad near the southeast corner of the fire station. The structure is 31' behind the sidewalk adjacent to Taylorsville Blvd. and 18" from the Fire Station wall.

13.1.1 **Findings of Fact:** Staff finds the following findings of fact:

13.1.1.1 The accessory structure, as currently located, is in a highly visible area of the City Center site.

13.1.1.2 The accessory structure does not meet the architectural standards intended by the City Center Small Area Master Plan (CCSAMP).

13.1.1.3 City Administrator John Inch Morgan has indicated a willingness to relocate the structure to another site but has requested a nine-month extension to budget, design and construct a replacement structure.

13.1.1.4 The accessory structure setbacks violate City zoning and fire codes.

13.1.2 **Staff Recommendation:** Based on the above stated findings of fact, Staff recommends allowing placement of the existing accessory structure located adjacent to Station 18 as identified in Exhibit B on a temporary basis, provided:

13.1.2.1 The structure is removed by December 31, 2005.

13.1.2.2 A building permit is issued by the Taylorsville Building Department.



13.1.2.3 Approval for all setbacks is granted by the United Fire Authority.

13.1.2.4 If the temporary structure is not replaced by a permanent structure at the same location, all landscaping must be restored immediately following removal of the temporary structure.

13.2 **APPLICANT ADDRESS:** [21:16:38](#) **Mr. McGrath** said he was asked to represent the City for this presentation because John Inch Morgan could not be in attendance this evening. However, that if the Commission prefers, the item can be postponed to the next meeting in order to have Mr. Morgan in attendance. **Mr. McGrath** advised that the shed was installed without a building permit or prior knowledge and that Mr. Morgan has been subsequently advised that the shed was non-compliant with the City Center Small Area Master Plan. His response was that the City would move it but asked for temporary approval to leave as is until funding to move it can be obtained. After review, Staff was willing to recommend leaving the shed in place temporarily until December 31, 2005. Once the building is removed, if permanent structure is not placed at this location, it was recommended that landscaping be replaced.

13.3. **SPEAKING:** **Russ Wall (Speaking as a Taylorsville citizen).** [21:13:13](#) **Mr. Wall** advised that he read the Staff report on this item and was concerned with some content; for example, the City is the applicant on this. The Planning Commission and the City Council sometimes disagree on items; however, the City Center Small Area Master Plan was unanimously approved by both bodies. The ordinance that governs accessory buildings was just passed by the City Council and there is also a fire code in place. This building violates all three of those references and he was emphatic that the City should set an example for their ordinances or eliminate them. Some times there is a good reason to "bend" a rule for good reason but the City should not be able to break the rules. He had knowledge that there was a citizen complaint on this building as they were preparing to put it together. He continued that citizen was himself and he asked the inspector to put a stop work order on the project, which would have been a legal thing for the City to do, and that order was over turned by the administration. He expressed concern for the process.

13.4 **CLOSURE OF PUBLIC HEARING AND DISCUSSION OR A MOTION.**

13.5 **DISCUSSION:**

13.4.1 [21:19:56](#) **Commissioner Hallstrom** was concerned that Mr. McGrath was placed in the role of presenting a case in favor of the building being there and he has always been the prominent spokesman for the City in matters of maintaining architectural integrity of the Small Area Master Plan. **Commissioner Hallstrom** felt it was unfair to Mr. McGrath to have to address this issue and asked for postponement for two weeks to allow the City Administration to present this item before the Planning Commission. **Mr. McGrath** commented that the reason he is the presenter is that Mr. Morgan is out of town at the City Manager's conference in St George. That is why he is representing the City and the Community Development Department on this item. Mr. Morgan suggested that if that became an issue, he would be glad to address the Commission at a subsequent meeting himself.

13.4.2 **Commissioner Barbour** commented that she doubted if the Commission would have accommodated a citizen asking to be able to come into compliance months into the future. [21:19:43](#) **Commissioner Newton** expressed the opinion that nine months is way too long to allow this even as a temporary use.

13.6 **MOTION:** [21:20:33](#) **Commissioner Hallstrom** – I move for postponement of this issue for two weeks to allow Mr. Morgan to personally address it. If he is not here in two weeks, then I suggest that we vote on the issue.

**SECOND:** **Commissioner Barbour**

**VOTE:**

**Commissioner Hallstrom – AYE**

**Commissioner Newton – AYE**

**Commissioner Barbour – AYE**

**Commissioner Overson – AYE**

**Commissioner Smith – AYE**

**Commissioner Jensen – AYE**

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**SUBDIVISIONS**

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14. 5S05 **Bob and Kay Investments, 4795 South 3600 West** - Five-Lot Subdivision.  
(Nick Norris, City Planner)

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[21:21:24](#)

14.1 **Mr. Norris** oriented on the site plan, aerial map and images. The applicant is proposing a five-lot residential subdivision on one acre of property. Each lot will be at least 8,000 square feet and will be accessed by a private road. Two lots will front on 3600 West and three will front on the private road. The three lots that are on the private road will be developed as deep lots and will go through the deep lot review process. There is one existing home on the property that will remain. (Nick's comments on dedicating 8') [21:23:22](#) **Staff recommends approval subject to the following conditions:**

14.1.1 The applicant receives approval from all applicable agencies.

14.1.2 The subdivision receives final approval from City Staff.

14.1.3 If any land is to be dedicated, then the subdivision shall be recorded by plat map that meets all state, county and city requirements. The recording instrument shall be consistent with City requirements.

14.1.4 The project receives storm drain approval from the City Engineer.

14.1.5 That the developer bonds for any street improvements, if necessary, and pays storm drain fees before recording the subdivision.

14.1.6 All street improvements required by City Ordinance will also be installed to City standards. This includes all sidewalks, park strip, curb, gutter, street surface, curb ramps and tie-ins to existing improvements.

14.1.7 The applicant plants at least two trees per lot along the private road.

14.1.8 The proposed subdivision obtains approval from the building department on grading requirements.

14.1.9 Any subdivision amendments proposed after the initial recordation are reviewed and approved by the Planning Commission. The amendment must then be recorded with the Salt Lake County Recorder's Office.

14.1.10 **[Added by Motion] The plat is to be noted that the owners of the individual lots will be responsible for maintenance of the public street improvements.**

14.2 **APPLICANT ADDRESS:** **Bob Roberts** [21:28:24](#). **Mr. Roberts** had a question about the three lots to the side. He advised that an individual has contacted him several times with regard to installing a through street, which would encompass the .6 acres that could be attached to this subdivision. There are horses to the north and south. He asked how one would go about retaining the horses on the property to keep down the vegetation. [21:30:04](#) **Commissioner Calacino** answered that it is an R-1-8 zone and they probably don't have agricultural rights unless they have continued to use the property in some manner prior to it being R-1-8, however, that would ultimately be a question to be answered by Staff. **Mr. Roberts** advised the reason he brought it up was there was an option to do a Planned Unit Development and in doing so there would be three lots on that .6 acres. He preferred not to do it that way but rather attach the .6 acres to the subdivision.

14.3. **SPEAKING:** None.

#### 14.4 **CLOSURE OF PUBLIC HEARING AND DISCUSSION OR A MOTION.**

14.5 **DISCUSSION** [21:31:22](#) **Commissioner Calacino** explained the proposal as being for a five lot subdivision. Three of the proposed lots would be accessed primarily by a private right-of-way where the other two would be accessed by the private right-of-way but have frontage on a public street, therefore, being in compliance with the City's private lane subdivision ordinance for three deep lots. [21:31:31](#) **Commissioner Hallstrom** commented that he has had some experience with people buying lots like these and then refusing to participate in the maintenance of the private road. He found that it was useful and advisable to put a note on the plat itself that says that the owners of Lots 1, 2, 3, 4, 5, will assume responsibility for the maintenance and upkeep of the street areas. **Commissioner Overson** wondered if the Planning Commission approves this, would that constitute approval of the design of the road and hammerhead. [21:32:39](#) **Commissioner Calacino** advised that if the Commission grants preliminary approval it is pretty much the way it will happen. In this instance it is probably the only way they can get those lots to work. [21:33:17](#) **Commissioner Overson** said that made sense but she was concerned with blocking the access to the other two properties. **Commissioner Calacino** said that could happen and would require an amendment to the subdivision in the future. [21:33:52](#) **Mr. Norris** said what this subdivision is doing is creating a possibility to provide access to that lot. It doesn't mean it is going to happen, just means the door is open for that possibility and is a viable option. There is currently no frontage for the three lots. [21:34:24](#)

- 14.6 [MOTION 21:34:32 Commissioner Hallstrom](#) - I will move for approval of this application, adding a requirement that the plat be noted that the owners of the individual lots will be responsible for maintenance of the public street improvements.

[SECOND: Commissioner Overson](#)

[VOTE: Commissioner Hallstrom – AYE](#)      [Commissioner Overson – AYE](#)  
[Commissioner Newton – AYE](#)      [Commissioner Smith – AYE](#)  
[Commissioner Barbour – AYE](#)      [Commissioner Jensen – AYE](#)

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15. 6S05 [Tholen Custom Homes, Inc., 4996 S. 1250 W.](#) – Three-Lot Subdivision (Preliminary).  
(Dan Udall, City Planner)

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[21:35:15](#)

15.1 [Mr. Udall](#) oriented on the site plan, aerial map and images. The applicant is requesting a three-lot regular subdivision. The lots are proposed to be flag or deep lots accessed by a private road. One lot is proposed to be 19,275 square feet and two lots are proposed to be 17,451 square feet. The applicant will need to submit deep lot applications for all three lots. The private road is actually 25' wide but the applicant is requesting a 5' easement on the lot adjacent to 1250 West to assure that width. The property to the west can eventually have access from 5000 South if the property owner decides to subdivide their lot. The applicant is proposing a fence around the perimeter of the property. **Staff recommends preliminary approval subject to the following conditions:**

15.1.1 Receive approval from and remain compliant with all applicable reviewing agencies.

15.1.2 The subdivision receives final plat approval from City Staff.

15.1.3 The subdivision is recorded by plat and that the plat complies with City Ordinance 12.16.010.

15.1.4 The project receives storm drain approval from the City Engineering Department and pays the appropriate drain fees.

15.1.5 Any subdivision amendments proposed after the initial recordation are reviewed and approved by the Planning Commission. The amendment must then be recorded.

15.1.6 Any street lights should be installed if determined by the City Engineer. That the City Engineer should decide if curb and gutter is provided along both sides of the private road.

15.1.7 Each lot in the subdivision is reviewed by the Planning Commission as a deep lot.

15.1.8 A vinyl 6' high fence is provided along the perimeter of the subdivision.

15.1.9 The gross square footage of all the lots is provided on the final subdivision plat.

15.1.10 **[Added by Motion] The width of the road is 25' with an easement.**

15.1.11 **[Added by Motion] A note will be recorded on the plat that the owners are responsible for the maintenance of the road.**

15.2 **DISCUSSION:** [21:37:44 Commissioner Overson](#) wanted to be sure that the property to the west is owned by someone on 5000 South and [Mr. Udall](#) explained that was the case. [21:38:24 Commissioner Calacino](#) asked if Staff is saying that the entrance that goes out to 1250 West is not a full 25' wide and the applicant is looking to get a 5' easement from the property to the south. [Mr. Udall](#) said that was correct. [Commissioner Calacino](#) asked why the plan called for an easement instead of the applicant acquiring the property as part of the overall subdivision. [Mr. Udall](#) advised that was the applicant's proposal. [Commissioner Calacino](#) asked if Staff was okay with that instead of making that legitimately part of the 25' wide leg of that development. [Mr. Udall](#) said Staff was okay with that but the Commission can decide that issue. [21:39:03 Commissioner Hallstrom](#) commented that being a private road, it doesn't make a difference as to whether or not it is an easement or a fee title. He felt in this situation an easement would be adequate. [21:39:45 Commissioner Calacino](#) felt that it would be simpler for the record if the 5' be added into it and be part of the recorded plat so there is no question or dispute later on. [Commissioner Hallstrom](#) suggested put the maintenance agreement on the plat. [21:40:27](#)

15.2 **APPLICANT ADDRESS:** [Sterling Tholen, 4882 South 1130 West.](#) [21:40:59 Mr. Tholen](#) advised that he will purchase the whole property to the south, so the 5' easement is no longer an issue. On the

maintenance issue, **Mr. Tholen** said he would record it as part of the subdivision that there will be a maintenance fee on the purchase of the home that will be put into a fund and with any subsequent sale of the home, another amount will be included as part of that fund for maintenance.

15.3. **SPEAKING:** None.

15.4 **CLOSURE OF PUBLIC HEARING AND DISCUSSION OR A MOTION.**

15.5 **MOTION:** [21:42:30 Commissioner Newton](#) - I would like to make a motion that we approve the three lot subdivision, Application 6S05 with recommendations of staff, adding Recommendation #10 that the width of the road is 25' with an easement. Adding #11 that there would be a note on the plat that the owners would be responsible for the maintenance of the road.

**SECOND:** [Commissioner Overson.](#)

**VOTE:**

[Commissioner Hallstrom – AYE](#)

[Commissioner Newton – AYE](#)

[Commissioner Barbour – AYE](#)

[Commissioner Overson – AYE](#)

[Commissioner Smith – AYE](#)

[Commissioner Jensen – AYE](#)

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### **PLANNING COMMISSION BUSINESS**

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[21:44:36](#) (Mark McGrath – Community Development Director)

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16. **Mr. McGrath** indicated this is the formal recommendation to the City Council concerning the Redwood Road Project and constitutes the final design. Don Adams, Economic Development Director, put together a packet of materials for review this evening. [21:46:55](#) Mr. Adams had been asked to provide signage package, furnishings, landscaping plan and the access management. In the packet was a site plan showing signage on all four corners of 5400 and 5600 South intersections on Redwood Road and Mr. McGrath explained the different types of signage being planned on those locations. **Mr. McGrath** advised the amount of signage was an initial attempt to articulate the area as a district, which never quite was matured.

- [21:55:53](#). **Commissioner Barbour** felt the number of monument signs seemed excessive and did not remember that being part of the proposal.
- [21:56:09](#) **Commissioner Calacino** felt the concept was acceptable and would certainly look better than what is there now and suggested forwarding this plan now and make modifications later on if need be.
- **Mr. Maloy** commented that there was too much pressure to hurry this through in order to meet Public Works deadlines. That the Redwood Road Steering Committee was only shown one concept. He was concerned that there never was a design competition process.
- [21:56:42](#). **Mr. McGrath** said that this project is difficult because it is a retrofit of a developed area but that Staff is mostly happy with the results. [21:58:28](#). He felt the landscaped median will be a significant improvement along Redwood Road.
- **Commissioner Calacino** advised he had done some red-lines of the proposed plan and explained those. One major concern was the fact that The Family Center has a sign in the middle of the new sidewalk area at 5600 South and Redwood Road, which they do not intend to move. He hoped that sign could be moved into the landscaping area behind the retaining wall and an effort should be made by the City to assure that is done. [22:00:16](#). Another comment he made was that he did not believe in bus turn-outs because it is short-sighted in dealing with anticipated bus rapid transit.
- **Commissioner Overson** added that she felt this plan looks really good and will be a great improvement in our City. Although she would have liked to have been able to more thoroughly review all aspects of the plan, she felt it was a good effort by all people involved and deserves a positive recommendation to the City Council.
- [22:05:37](#) **Commissioner Calacino** asked for a motion to adopt the improvements and street furnishings and overall design concept for the improvement to Redwood Road from I-215 to 5400 South

**MOTION** [22:07:16 Commissioner Newton](#) - I move that we send a positive recommendation to the City Council on the Redwood Road improvement plan, looking into the signage issues, especially as proposed on the corners a little bit more.

**SECOND:** [Commissioner Barbour](#)

**VOTE:** [Commissioner Hallstrom](#) – AYE

[Commissioner Newton](#) – AYE

[Commissioner Barbour](#) – AYE

[Commissioner Overson](#) – AYE

[Commissioner Smith](#) – AYE

[Commissioner Jensen](#) - AYE

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**CITY COUNCIL MEETING REVIEW:**

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[22:08:32 Commissioner Jensen](#) gave an overview of what transpired during the last City Council meeting. He also expressed concern about Planning Commissioners not feeling comfortable in speaking before the City Council when they have an opinion regarding items being discussed. Other Commissioners advised that any of them may speak as citizens. [22:21:09](#)

**ADJOURNMENT:** By motion of [Commissioner Newton](#), the meeting was adjourned at [22:29:22](#).

Respectfully submitted by:

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Jean Gallegos, Administrative Assistant/ Recorder  
Planning Commission

Approved in meeting held: May 10, 2005